

TERMED

U.S. District Court
Northern District of Ohio (Cleveland)

CIVIL DOCKET FOR CASE #: 89-CV-470

Garrett, et al v. East Cleveland, City, et al
Assigned to: Judge John M. Manos
Demand: \$0,000
Lead Docket: None
Dkt# in other court: None

Filed: 03/15/89

Nature of Suit: 440
Jurisdiction: Federal Question

Cause: 42:1983 Civil Rights Act

PHILLISA GARRETT, Individually
and on behalf of all others
similarly situated
plaintiff

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[COR LD NTC]
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LENARD EDWARDS, Individually
and on behalf of all others
similarly situated
plaintiff

Charles M. Delbaum
(See above)
[COR LD NTC]

Paul M. Herdeg, Esq.
(See above)
[COR LD NTC]

JOEL WILLIAMS, Individually
and on behalf of all others
similarly situated
plaintiff

Charles M. Delbaum
(See above)
[COR LD NTC]

Paul M. Herdeg, Esq.
(See above)
[COR LD NTC]

WILLIAM BIBB, Individually and
on behalf of all others
similarly situated
plaintiff

Charles M. Delbaum
(See above)
[COR LD NTC]

Paul M. Herdeg, Esq.
(See above)
[COR LD NTC]

Proceedings include all events.

TERMED

1:89cv470 Garrett, et al v. East Cleveland, City, et al

v.

EAST CLEVELAND, CITY OF
defendant

Craig E. Willis, Esq.
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[COR LD NTC]
City Of East Cleveland
Department Of Law
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& Manning
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RICHARD VAUGHN, In Official
Capacity as Chief of Police,
City of E. Cleveland
defendant

Craig E. Willis, Esq.
(See above)
[COR LD NTC]

James H. Hewitt, III, Esq.
(See above)
[COR LD NTC]

DARRYL E PITTMAN, In his
Official Capacity as Mayor of
City of E. Cleveland
defendant

Craig E. Willis, Esq.
(See above)
[COR LD NTC]

James H. Hewitt, III, Esq.
(See above)
[COR LD NTC]

Proceedings include all events.

TERMED

1:89cv470 Garrett, et al v. East Cleveland, City, et al

3/15/89 -- FILING FEE IFP . (jr) [Entry date 09/28/90]

3/15/89 3 COMPLAINT (Summons(es), magistrate consent form issued) (13+afdt & exh pgs) (jr) [Entry date 09/28/90]

3/15/89 6 MOTION by pltfs' to expedite disc w/memo in supp. (3 pgs) (jr) [Entry date 09/28/90]

3/15/89 7 MOTION by pltfs' for a view w/memo in supp (3 pgs) (jr) [Entry date 09/28/90]

3/21/89 12 MOTION by plaintiff to certify class action w/memo in supp (8 pgs) (jr) [Entry date 09/28/90]

3/23/89 13 MOTION of George Allison, Byron Delaney, Keith Graham & David Harper to intervene as pltfs w/memo in supp (cmp attach) (11 pgs) (jr) [Entry date 09/28/90]

3/23/89 14 RETURN OF SERVICE executed upon defendant Darryl E Pittman on 3/21/89 by cert mail. (1 pg) (jr) [Entry date 09/28/90]

3/30/89 20 RETURN OF SERVICE executed upon defendant Richard Vaughn on 3/21/89 by cert mail. (2 pgs) (jr) [Entry date 09/28/90]

3/30/89 20 RETURN OF SERVICE executed upon defendant East Cleveland City on 3/30/89 c/o Craig Willis by cert mail. (jr) [Entry date 09/28/90]

5/15/89 25 MOTION (applic) by pltfs' for entry of default as to East Cleveland City, Richard Vaughn, Darryl E Pittman for failure to ans 2 pgs) (jr) [Entry date 09/28/90] [Edit date 09/28/90]

5/22/89 26 MOTION by pltfs' to compel prodctn of docmts w/req for oral hrg (4+exh pgs) (jr) [Entry date 09/28/90]

5/26/89 28 ANSWER to Complaint by dfts'. (7 pgs) (jr) [Entry date 09/28/90]

9/11/90 38 NOTICE of pretrial conference reset for 10:30 a.m. on 9/21/90 (issued on 9/11/90) (1 pg) (jr) [Entry date 09/28/90]

11/8/90 39 NOTICE of pretrial conference sched for 10:30 on 11/19/90 (issued on 11/8/90) (1 p) (jr) [Entry date 11/09/90]

2/28/91 40 NOTICE of further pretrial conference sched for 8:30 a.m. on 3/18/91 CLIENTS MUST BE PRESENT (issued on 2/28/91) (1p) (jr)

3/12/91 41 NOTICE of further pretrial conference resched for 8:30 a.m. on 3/26/91 CLIENTS MUST BE PRESENT (issued on 3/12/91) (1p) (jr) [Entry date 03/13/91] [Edit date 03/13/91]

Proceedings include all events.

TERMED

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9/26/91 -- MARGINAL ENTRY ORDER: denying motion to certify class action [12-1] (issued on 9/26/91) Judge John M. Manos (jr) [Entry date 09/27/91]

10/29/91 42 NOTICE of pretrial conference sched for 8:30 a.m. on 11/15/91 (issued on 10/29/91) (1p) (jr)

1/13/92 43 NOTICE of conf sched for 8:30 a.m. on 1/27/92 (issued on 1/13/92) (1p) (jr) [Entry date 01/16/92]

5/6/92 44 REPORT by (not pty) Cuyahoga, County of re: stat of payments for prisoner maintenance to deft City of East Cleveland (11 pgs) (jr) [Entry date 05/07/92]

5/15/92 45 REPLY by defendant East Cleveland City to rpt of Cuyahoga County re status of payments for prisoners' board and care at E. Cleveland Jail. [44-1] (5 pgs+exh) (sp)

5/21/92 46 SUPPLEMENT by Cuyahoga County to report regarding status of payments for prisoner brd & care at E. Cleveland Muni Jail [44-1] (5 pgs) (rs) [Entry date 05/22/92]

5/28/92 47 NOTICE of status conference set for 10:30 a.m. on 6/5/92 (issued on 5/27/92) (1 pg) (ee)

5/28/92 48 SUBPOENA returned. Issued on behalf of: dft. Served on: Douglas Peck on 5/28/92. (1 pg+exh) (sp) [Entry date 05/29/92]

8/25/92 49 NOTICE of hearing in room: 250, before: Judge Manos ; pretrial conference scheduled for 1:30 p.m. on 9/2/92 (issued on 8/25/92) (1 pg) Clients must be present. (baw)

8/26/92 50 NOTICE of hearing in room: 250, before: Judge Manos pretrial conference resched for 8:30 a.m. on 9/15/92 CLIENTS MUST BE PRESENT (issued on 8/26/92) (1 pg) (jr) [Entry date 08/27/92]

9/2/92 51 NOTICE of hearing in room: 250, before: Judge Manos pretrial conference re-set for 8:30 a.m. on 9/21/92 CLIENTS MUST BE PRESENT (issued on 9/1/92) (1 pg) (jr)

1/14/93 52 NOTICE of hearing in room: 250, before: Judge John M. Manos ;pretrial conference set for 8:30 a.m. on 1/20/93 (issued on 1/14/93) (1 pg) (ee)

1/15/93 53 NOTICE of hearing in room: 250, before: Judge Manos pretrial conference resched for 8:30 a.m. on 1/27/93 CLIENTS MUST BE PRESENT (issued on 1/15/93) (1 pg) (js) [Entry date 01/21/93]

4/21/93 54 NOTICE of hearing in room: 250, before: Judge Manos ; status conference set for 8:30 on 5/4/93 (issued on 4/21/93) (1 pg) (rs)

Proceedings include all events.

TERMED

1:89cv470 Garrett, et al v. East Cleveland, City, et al

6/4/93 55 ORDER approving consent decree & final resolution of this
action. (issued on 6/4/93) (2 pgs) Judge John M. Manos (js)
[Entry date 06/08/93]

6/4/93 56 CONSENT DECREE stating the complete & final resolution of
class action (issued on 6/4/93) (8 pgs) Judge John M.
Manos (js) [Entry date 06/08/93]

0647 1 89 0470 1 3 15 89 3 440 1:89CV0470 39035 89 470

PLAINTIFFS

GARRETT, Phillisa
EDWARDS, Lenard
WILLIAMS, Joel
BIBB, William,

individually and on behalf
of all others similarly situated

DEFENDANTS

THE CITY OF EAST CLEVELAND, et al

VAUGHN, Richard, in official capacity
as Chief of Police, City of E. Cleveland

PITTMAN, Darryl E., in his official capacity
as Mayor of City of E. Cleveland

CAUSE

(CITE THE U.S. CIVIL STATUTE UNDER WHICH THE CASE
IS FILED AND WRITE A BRIEF STATEMENT OF CAUSE)

42 U.S.C. Sec. 1983 To remedy conditions in E. Cleveland Jail

ATTORNEYS

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~~Lois Robinson~~
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☐ CHECK
HERE
IF CASE WAS
FILED IN
FORMA
PAUPERIS

FILING FEES PAID

DATE	RECEIPT NUMBER	C D NUMBER
MAR 15 1989		

STATISTICAL CARDS

CARD	DATE MAILED
JS-5	3/31/89
JS-6	

DATE	NR.	
3/15/89	1	APPLICATION of Phillisa Garrett, Leonard Edwards, Joel Williams and William Bibb to proceed in forma pauperis, supporting documentation and order. (4 p) ee
3/15/89	2	ORDER granting appl of Garrett, Edwards, Williams and Bibb to proceed in <u>forma pauperis</u> . PERELMAN, Mag. Issd to USM 3/15/89.
3/15/89	3	✓COMPLAINT (Verified) Class Action. (13 p + affvt + exn). Summ to Pltf's atty.
3/15/89	4	(9) MOTION of pltf's for TRO and memo in supp. Certificate of pltf's atty as to notification of defts attached. (25 p) ee
3/15/89	5	CERTIFICATION of pltf's atty as to notification of defts of time and place of hearing on mot for TRO.
3/15/89	6	✓MOTION of pltf's to expedite disc and memo in supp. c/m 3/15/89 (3 p) ee
3/15/89	7	✓MOTION of pltf's for a view w/memo. c/m 3/15/89 (3 p) ee
3/15/89	8	TEMPORARY RESTRAINING ORDER. MANOS, J. EOD 3/16/89 (1 p) ee
3/18/89	9	NOTICE of prelim inj hearing scheduled for <u>March 27, 1989 at 8:30 a.m. Rm. 250.</u> KOS/dep clerk EOD 3/18/89 ee
3/15/89	10	INITIAL ORDER issd. MANOS, J. (3 p) ee
3/21/89	11	REQUEST (1st) of pltf for entry into the East Cleveland jail. c/m 3/22/89 (2 p) ee
3/21/89	12	✓MOTION of pltf for class certification w/memo. c/m 3/21/89 (8 p) ee
3/23/89	13	✓MOTION of George Allison, Byron Delaney, Keith Graham and David Harper to inter as pltf's w/memo in supp. c/m 3/23/89 (11 p + complt att) ee
3/23/89	14	✓SUMMONS retn. Srv Darryl Pittman on 3/21/89 by cert mail. (1 p) ee
3/24/89	15	(24) MOTION of defts to dism for failure to join parties essential for just adjudication w/memo in supp. c/m 3/24/89 (4 p) ee
3/24/89	16	(14) MOTION of pltf for prel inj granting partial relief w/memo. c/m 3/24/89 (22 p) ee
3/24/89	17	(19) REQUEST (1st) of pltf's for prodctn of docmts to defts. c/m 3/24/89 (6 p) ee
3/24/89	18	SUBPOENA retn. Srv Melda Turner (jail Inspector) by Alan DiGirolamo, law clk, on 3/24/89 (1 p) ee
3/27/89	19	(16) PRELIMINARY INJUNCTION granting partial relief. MANOS, J. Issd 3/27/89 EOD 3/28/89 ee
3/30/89	20	✓SUMMONS retn. Srv Richard Vaughn on 3/21/89 and City of Cleve c/o Craig Willis on 3/30/89 by cert mail. (2 p) ee
4/7/89	21	MEMORANDUM of pltf's in opp to defts mot to dismiss for failure to join ptys essential for just adjudication. c/m 3/7/89 (3 p) ee
4/11/89	22	NOTICE setting case for conference on <u>April 20, 1989 at 8:30 a.m., Rm. 250.</u> KOS/dep clerk ee
4/19/89	23	MEMORANDUM OF OPINION denying defts' mot to dismiss; Since City of East Cleveland and its officials are solely responsible for the conditions, practices and policies at the City jail, the joinder of the County is unnecessary for just adjudication. MANOS, J. Issd 4/19/89, EOD 4/19/89 (2 p) ee
4/19/89	24	(15) ORDER that purs to the Memo of Opinion issued this date, defts' motion to dism is denied. MANOS, J. Issd 4/19/89, (1 p) ee
5/15/89	25	✓APPLICATION of pltf's for default against defts for failure to ans. c/m 5/12/89 (2 p) ee
5/22/89	26	✓MOTION of pltf's to compel prodctn of docmts and req for oral hearing. w/brf. c/m 5/19/89 (4 p + exh) ee
5/24/89	27	NOTICE of conf on <u>June 1, 1989 at 10:30 a.m., Rm 250.</u> KOS?dep clerk ee
5/26/89	28	✓ANSWER of defts City of East Cleveland, Richard Vaughn and Darryl E. Pittman to pltf's complt. c/m 5/26/89 (7 p) ee
7/28/89	29	NOTICE of pretrial on <u>Aug. 4, 1989 at 8:30 a.m.</u> KOS/dep clerk ee
10/13/89	30	NOTICE of pretrial on <u>Oct. 23, 1989 at 8:30 a.m.</u> KOS/dep clerk ee
10/17/89	31	NOTICE rescheduling PT on <u>Oct. 26, 1989 at 8:30 a.m.</u> KOS/dep clerk ee
10/31/89	32	NOTICE re-scheduling pretrial on <u>Nov. 13 1989 at 8:30 a.m. Rm 250.</u> KOS/dep clerk

JUDGE MANOSDC 111A
(Rev. 1/75)

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>1:89CV470</u>
GARRETT, Phillisa et al		CITY OF EAST CLEVELAND et al	PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
1/12/90	33	NOTICE scheduling case for pretrial on <u>Jan. 19, 1990 at 8:30 a.m., Rm 250.</u> KOS/dep clerk ee	
2/5/90	34	NOTICE re-sched PT on <u>Feb. 20, 1990 at 8:30 a.m.</u> KOS/dep clk. ee	
2/20/90	35	STATUS CONFERENCE MEMORANDUM of defts for Feb. 20, 1990. c/m 2/20/90 (11p)ee	
2/20/90	36	NOTICE of appearance of James H. Hewitt as counsel of record for all defts. c/m 2/?/90 (2 p) ee	
7/12/90	37	NOTICE of case set for pt on 7/23/90 at 10:30 a.m., Lawyers only-clients do not need to be present. iss 7/12/90 (1p) (JR)	
9/11/90	38	✓ NOTICE of case reset for pt on 9/21/90 at 10:30 a.m. iss 9/11/90 (1p) (JR)	
"REFER TO COMPUTER DOCKET FOR SUBSEQUENT DOCKET ENTRIES"			